

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>IOWA DEPARTMENT OF JUSTICE, OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:right">Complainant,</p> <p style="text-align:center">v.</p> <p>AMERICA'S TELE-NETWORK CORP. and JOHN W. LITTLE, President of America's Tele-Network Corp.</p> <p style="text-align:right">Respondents.</p>	<p style="text-align:right">DOCKET NO. FCU-00-6</p>
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**ORDER DOCKETING COMPLAINT, ESTABLISHING  
PROCEDURAL SCHEDULE, AND  
GRANTING PERMISSION TO APPEAR**

(Issued November 20, 2000)

On September 13, 2000, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) requested formal complaint proceedings be established against American's Tele-Network Corp. (AT-N) and its president, John W. Little, following the completion of its discovery. According to the complaint, Consumer Advocate proposed to notify the Utilities Board (Board) as soon as it has had an opportunity to conduct discovery at which time the Board should issue a procedural schedule in the matter. The complaint was filed pursuant to Iowa Code §§ 476.3(1) and 476.103 (1999) and 199 IAC 6.8(2) and 22.23.

In Count I of its complaint, Consumer Advocate alleges that respondents have repeatedly failed to respond to Board complaint inquiries in a timely manner, thus warranting the assessment of civil penalties and the issuance of appropriate orders for relief. In Count II of its complaint, Consumer Advocate alleges that respondents have repeatedly caused unauthorized switches of long distance telecommunications providers to Iowa residents for which civil penalties and damages should be assessed and appropriate orders for relief should be issued.

An answer was filed on October 18, 2000, by AT-N and John W. Little wherein each of the allegations were denied or a claim was made that the allegations were barred. AT-N and John W. Little requested that the Board deny the request to initiate formal complaint proceedings or to conduct a hearing and provide an opportunity to be heard.

The Board's staff has contacted the parties to inquire as to the completeness of discovery and to reach agreement on a procedural schedule. The Board will docket the complaint filed on September 13, 2000, by Consumer Advocate against AT-N and John W. Little for investigation as Docket No. FCU-00-6.

A petition was filed on October 18, 2000, by Kirk Salzmänn, for permission to appear as out-of-state counsel on behalf AT-N and John W. Little. Mr. Salzmänn is a member in good standing of the Virginia Bar. Local counsel has been designated for acceptance of service for respondents in the state of Iowa. The Board will grant the petition for permission to appear.

**IT IS THEREFORE ORDERED:**

1. The complaint filed on September 13, 2000, by the Consumer Advocate Division of the Department of Justice against America's Tele-Network Corp. (AT-N) and its president, John W. Little, is docketed for investigation as Docket No. FCU-00-6.

2. The following procedural schedule is established for this proceeding:

a. Consumer Advocate and any intervenors shall file any prepared direct testimony, with supporting exhibits and workpapers, on or before December 1, 2000.

b. AT-N and John W. Little shall file any rebuttal testimony, with supporting exhibits and workpapers, on or before December 15, 2000.

c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 10 a.m. on January 10, 2001, in the Board's hearing room at 350 East Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.

d. Any party desiring to file a brief may do so on or before February 9, 2001.

3. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

4. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination, which have not previously been filed with the Board, shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

5. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record five days after filing. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of hearing.

6. The petition filed by Kirk Salzmänn to appear on behalf of respondents AT-N and John W. Little is granted.

**UTILITIES BOARD**

/s/ Allan T. Thoms

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 20th day of November, 2000.